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| 6 | Counsel for Amicus Curiae American Center for Law & Justice | | |
| 7 | IINITED STATES | DISTRICT COURT | |
| 8 | | ICT OF ARIZONA | |
| 9 10 | Mikkel Jordahl; Mikkel (Mik) Jordahl, P.C., | | |
| 11 | Jordani, 1.C., | | |
| 12 | Plaintiffs, | Case No: 3:17-CV-08263-PCT-DJH | |
| | VS. | MOTION & MEMORANDUM | |
| 13 | Mark Brnovich, Arizona Attorney | FOR LEAVE TO FILE AMICUS | |
| 14 | General; Jim Driscoll, Coconino County Sheriff; Matt Ryan, | CURIAE BRIEF OF AMERICAN CENTER FOR LAW AND | |
| 15 | Coconino County Board of | JUSTICE IN SUPPORT OF | |
| 16 | Supervisors Chair; Lena Fowler, | DEFENDANTS | |
| 17 | Coconino County Board of Supervisors Vice Chair; Elizabeth | | |
| 18 | Archuleta, Coconino County Board | | |
| 19 | of Supervisors Member; Art Babbott, Coconino County Board of | | |
| 20 | Supervisors Member; Jim Parks, | | |
| 21 | Coconino County Board of Supervisors Member; Sarah Benatar, | | |
| 22 | Coconino County Treasurer, all in | | |
| 23 | their official capacities, | | |
| 24 | Defendants. | | |
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Proposed *Amicus Curiae* American Center for Law and Justice (ACLJ) respectfully moves for leave to file the Brief attached as Exhibit 1 hereto in support of the defendants. The ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued numerous cases before the Supreme Court of the United States and have participated as *amicus curiae* in a number of significant cases involving the Free Speech Clause of the First Amendment.

Amicus has dedicated time and effort to defending and protecting Americans' First Amendment freedoms. The ACLJ's commitment to the integrity of the United States Constitution and Bill of Rights compels it to support the State of Arizona in its efforts, including the enactment of Arizona Revised Statutes § 35-393, to avoid becoming complicit in the global Boycott, Divestment and Sanctions (BDS) Movement.

Courts within the Ninth Circuit have recognized that "district courts have the inherent authority to permit and consider amicus curiae briefs, even though such briefs are not specifically provided for in the Federal Rules of Civil Procedure." *Carlin v. DairyAmerica, Inc.*, 2017 U.S. Dist. LEXIS 41699, *3 (E.D. Cal. Mar. 22, 2017) (citing *In re Bayshore Ford Trucks Sales, Inc.*, 471 F.3d 1233, 1249 n.34 (11th Cir. 2006)). District courts often "accept amicus briefs from non-parties concerning legal issues that have possible ramifications beyond the parties directly involved in the case or if the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide." *Gabriel Techs Corp. v. Qualcomm Inc.*, 2012 U.S. Dist. LEXIS 33417, *15 (S.D. Cal. Mar. 13, 2012) (quotation and citation omitted). "Generally, courts have exercised great liberality in permitting an amicus curiae to file a brief in a pending case" In re Roxford Foods Litig., 790 F. Supp. 987 (E.D. Cal. 1991).

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| 1 | ACLJ's brief addresses crucial legal issues that Plaintiffs have wholly | |
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| 2 | omitted: the speech rights of the State of Arizona and the State's authority when | |
| 3 | acting as a contractor rather than as sovereign. Amicus wishes to be allowed to | |
| 4 | bring to bear on this issue its experience in this field of the law. | |
| 5 | No party's counsel, or party, authored ACLJ's brief in whole or in part. | |
| 6 | No party or counsel for a party made a monetary contribution intended to fund | |
| 7 | the preparation or submission of the brief. Defendants have indicated they have | |
| 8 | no objection to ACLJ's filing of an amicus brief, and Plaintiffs take no position. | |
| 9 | | |
| 10 | Dated: February 16, 2018 | Respectfully submitted, |
| 11 | | Jay Alan Sekulow, Counsel of Record |
| 12 | | Stuart J. Roth |
| 13 | | Jordan Sekulow Mark Goldfeder |
| 14 | | Jeffrey Ballabon |
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| 18 | | /s/ Carly F. Gammill |
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| 25 | | Attorneys for Amicus Curiae American Center |
| 26 | | for Law & Justice |
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CERTIFICATE OF SERVICE I hereby certify that on February 16, 2018, I electronically filed the foregoing Motion for Leave to file Amicus Curiae Brief and all attached exhibits with the Clerk's Office by using the ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. Dated: February 16, 2018 /s/ Carly F. Gammill Carly F. Gammill, admitted pro hac vice AMERICAN CENTER FOR LAW & JUSTICE 625 Bakers Bridge Avenue, Ste 105-121 Franklin, TN 37067 Telephone: (615) 599-5572 Fax: (615) 309-8832 cgammill@aclj-dc.org